

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FINANCIAL LIFE SERVICES, LLC,

Plaintiff(s),

-against-

N. BERGMAN INSURANCE TRUST,

Defendant(s).

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**WALL, Magistrate Judge:**

Defendant has filed a motion for reconsideration of this court's January 19, 2012 order adopting Plaintiff's revised proposed order. *See* Docket Entry ("DE") 26-1. The motion is denied.

On January 9, 2012, the Court adopted Plaintiff's proposed order (DE 25-1), which set forth the substance and dates for an auction of the policy. Defendant filed a motion for reconsideration on January 18, 2012, in which it sought to reargue its objections to a Report and Recommendation issued by this Court on June 27, 2012 and to appeal District Judge Hurley's adoption and modification of the Report and Recommendation issued on September 22, 2011. Defendant did not challenge the substance of the January 9, 2012 order in that initial motion for reconsideration. The motion for reconsideration was denied by Magistrate Judge Wall on January 19, 2012 as not within the scope of authority of a Magistrate Judge, and was denied by District Judge Hurley on January 19, 2012 as untimely.

On January 19, 2012, the Court adopted Plaintiff's proposed order that revised only the dates, not the substance, of the order adopted by the Court on January 9, 2012. In the motion for reconsideration at bar, Defendant seeks to challenge the substance of the January 19, 2012 order. However, since the January 19, 2012 order only adopted revised dates for the auction process, those revised dates are the only issue from the January 19, 2012 order that can be timely challenged because all motions for reconsideration "shall be served within fourteen (14) days after the entry of the Court's determination of the original motion," and Defendant has not challenged the revised dates. Local Rule 6.3. Defendant had until January 23, 2012, fourteen days from the issuance of the January 9, 2012 order, to challenge the substance that order, and Defendant failed to do so.<sup>1</sup>

Dated: Central Islip, New York

**SO ORDERED:**

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<sup>1</sup>Defendant's second motion for reconsideration was filed on January 26, 2012, even though it is dated January 18, 2012. *See* DE 28.

January 31, 2012

/s/ William D. Wall  
WILLIAM D. WALL  
United States Magistrate Judge